

EXHIBIT 12

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 - - - - -x

5 SERGEY LEONTIEV,

6 Plaintiff,

Case No. 16-cv-3595

7 -against-

8 ALEXANDER VARSHAVSKY,

9 Defendant.

10 - - - - -x

11 December 16, 2016

12 10:12 a.m.

13
14 Videotaped deposition of
15 ANDREI PAVLOVICH, taken by Plaintiff,
16 pursuant to Notice, held at the offices of
17 Roschier Asianajotoimisto Oy, Keskuskatu
18 7A, Helsinki, Finland, before
19 Sharon Lengel, a Registered Professional
20 Reporter, Certified Realtime Reporter, and
21 Notary Public of the State of New York.

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24
25

A P P E A R A N C E S:

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BY: NICHOLAS C. TOMPKINS, ESQ.
COLBY A. SMITH, ESQ.

ALSO PRESENT:

DAVID ROSS ELLIOTT, Videographer
NATALIA MURINA, Interpreter
VICTOR POTAPOV, Check Interpreter
VITALIY POPOV, ESQ.

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1 PAVLOVICH

2 System of Operational Leasing of
3 Transport, SOLT.

4 Q. What is your ownership interest
5 in SOLT?

6 A. 20 percent.

7 Q. Who are the other shareholders
8 of SOLT?

9 A. Alexander Varshavsky and Kamo
10 Avagumyan.

11 Q. Are there any other shareholders
12 besides the three of you?

13 A. No.

14 Q. What is Mr. Varshavsky's
15 ownership percentage in SOLT?

16 A. The remaining 80 percent of SOLT
17 is with Max Bond Company. That company is
18 owned by Mr. Varshavsky and Avagumyan.

19 Q. What is the relationship between
20 Avilon and Avtologistica?

21 A. I do not understand the
22 question.

23 Q. You mentioned that Avtologistica
24 was affiliated with Avilon.

25 In what way is Avtologistica

1 PAVLOVICH

2 affiliated with Avilon?

3 A. The companies have the same
4 shareholders.

5 Q. Who are those shareholders?

6 A. Alexander Varshavsky, Kamo
7 Avagumyan, and Igor Bakonenko.

8 Q. Are there any other companies in
9 which you have an ownership interest that
10 we have not discussed?

11 A. No.

12 Q. What are your current
13 responsibilities as the director general
14 of Avilon?

15 A. Well, my key responsibility is
16 building a successful structure of sales
17 and business management, the company
18 operations, the operational activities of
19 the company, the profits, and the
20 marginality, advertising and marketing,
21 and development.

22 Q. Who do you report to?

23 A. I'm the chair of the board, so I
24 report to the president.

25 Q. Who is the president?

1 PAVLOVICH

2 A. Alexander Varshavsky.

3 Q. Does Kamo Avagumyan have a
4 position at Avilon?

5 A. As of today, Kamo Avagumyan has
6 no position with Avilon.

7 Q. Did -- please go ahead.

8 A. You say the company has
9 undergone restructuring. We have a
10 management -- a managing company, Akita.
11 And Kamo Avagumyan has a position with
12 Akita.

13 Q. When did the company undergo
14 this restructuring?

15 A. Which company?

16 Q. The restructuring that resulted
17 in Akita being part of the structure.

18 A. The Akita company was
19 established late last year.

20 Q. Did Mr. Avagumyan have a
21 position with Avilon before Akita was
22 established?

23 A. Yes.

24 Q. What was Mr. Avagumyan's
25 position at Avilon?

1 PAVLOVICH

2 A. Yes, I do.

3 Q. Does Mr. Zheleznyak owe Aviron
4 money?

5 A. I do not know either.

6 Q. Was Aviron a client of
7 Probusinessbank?

8 A. Yes, it was.

9 Q. When did Aviron's relationship
10 with Probusinessbank begin?

11 A. I cannot remember accurately
12 when, but I know it's been a very long
13 relationship.

14 Q. Was Aviron already using
15 Probusinessbank as its bank when you
16 started in 2004?

17 A. It is possible, but I cannot
18 remember for sure.

19 Q. Did you personally have any
20 dealings with Probusinessbank as the CEO
21 of Aviron?

22 MR. SMITH: Objection to form.

23 Q. You can answer. Your attorney
24 is just objecting for the record.

25 A. First of all, all the employees

1 PAVLOVICH
2 of the company had their salaries -- had
3 their salaries paid to the credit cards --
4 to their own credit cards with
5 Probusinessbank. So Probusinessbank was
6 taking care of all the payroll for the
7 whole company. Also I had my personal
8 accounts and deposits with
9 Probusinessbank.

10 Q. How would you characterize
11 Avilon's relationship with Probusinessbank
12 over the years?

13 MR. SMITH: Objection to form.

14 A. A working relationship and
15 successful as well.

16 Q. Who at Probusinessbank did you
17 regularly interact with?

18 A. What exactly do you mean?

19 Q. Were there particular people
20 that you communicated with regularly at
21 Probusinessbank?

22 MR. SMITH: Is there a
23 timeframe? It sounds like it was a
24 long-term relationship. Are you
25 focused on a particular period?

1 PAVLOVICH

2 responsibility of the financial
3 department. My scope of responsibility is
4 company development, selling more cars,
5 becoming number one, getting larger share
6 of the markets. And with regard to these
7 issues, I have full trust in the financial
8 director of the company and the president.

9 Q. Why were you the one to sign
10 this agreement as opposed to
11 Ms. Monakhova?

12 A. There are two persons in the
13 company that can sign it -- myself and
14 her. It is not really important who
15 signed this agreement.

16 Q. Do you know anything about why
17 Avilon was assigning its rights under the
18 2008 loan to Ambika to European Realty?

19 A. The answer is no. I'm not
20 really understanding the question. But
21 the answer is no.

22 Q. I want to make sure you
23 understand the question.

24 Do you know anything about why
25 Avilon entered into this assignment

CERTIFICATION

I, SHARON LENGEL, a Notary Public for
and within the State of New York, do
hereby certify:

That the witness whose testimony as
herein set forth, was duly sworn by me;
and that the within transcript is a true
record of the testimony given by said
witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I am
in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 28th day of December,
2016.



SHARON LENGEL

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